



ALERT OCTOBER 2026:

***TRACKING PIXEL: THE NEW GUIDELINES IN FORCE
STARTING FROM OCTOBER 29, 2026***

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SILS Law Firm includes professionals specialized in advising on data protection law (for information: milano@silsitalia.it). SILS is certified in accordance with UNI Standard 11871:2022, *“Professional firms of Lawyers and Chartered Accountants – Organizational principles and risk management related to the practice of the profession for the creation and protection of value.”*



October 29, 2026, is the deadline by which the companies must comply with the *Guidelines on the Use of Tracking Pixels in E-mail Communications* (the “**Guidelines**”), published by the Italian Data Protection Authority (the “**IDPA**”) on April 17. The purpose of the Guidelines is to regulate tracking tools embedded in e-mail messages, which monitor recipients’ behavior by collecting personal data, often without their knowledge. The Guidelines aim to clarify e-mail service providers’ obligations regarding the provision of information and the collection of consent from users, pursuant to Section 122 of the Italian Data Protection Code, which implements the E-Privacy Directive 2002/58/EC. Regulation (EU) 2016/679 (the “**GDPR**”) provides the general legal framework and applies to matters not specifically governed by E-Privacy legislation. Tracking pixels are invisible images, often embedded in e-mails as hyperlinks. A tracking pixel is hosted on a remote server and, when an email is opened, the recipient unknowingly triggers an automatic request to that server to download the image. This request enables the sender of the communication, as well as email service providers, e-mail delivery service providers and platforms, and entities that make their own mailing lists available, to determine whether the e-mail has been opened and, depending on the circumstances, to collect information about the recipient (such as the IP address of the device used, the time spent viewing the message, and the number of times the message has been opened). Tracking pixels may be used in various types of messages, including newsletters, Direct Email Marketing (DEM) messages aimed at promoting products, services or commercial initiatives, transactional emails and automated messages, such as registration or order confirmations, welcome messages, notifications relating to activities carried out on a platform, and the delivery of temporary credentials; service e-mails, relating to specific needs of the recipient or the wider community. As set out in the Guidelines, recipients must be provided with prior information, regardless of the purpose of communication or the nature of the sender. This information must be provided through a layered approach and via different channels. Furthermore, recipients’ prior consent must be obtained. Such consent must be informed, freely given, specific and unambiguous. Consent is not required only in the case of aggregated statistics, deliverability metrics and anti-spam measures, as well as security-related purposes and institutional or service communications.

In light of the new Guidelines, the companies should take the following steps to avoid potential future penalties: **(1)** Review the structure of their customer databases; **(2)** Review the processing of personal data carried out and the corresponding legal basis, as well as the types of communications sent and the presence of the aforementioned tracking pixels; **(3)** Assess whether any of the exceptions provided for under the above-mentioned legislation apply; **(4)** Prepare or amend their legal documentation, as appropriate, to ensure the protection of recipients’ personal data in accordance with the requirements outlined above.